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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

In re N.R., a Person Coming Under the  
Juvenile Court Law.

H046052  
(Santa Cruz County  
Super. Ct. No. J23588C)

THE PEOPLE,

Plaintiff and Respondent,

v.

N.R.,

Defendant and Appellant.

N.R. appeals from the juvenile court's dispositional order, arguing that two probation conditions prohibiting possession of gang paraphernalia should be stricken because the conditions are unconstitutionally vague and overbroad.

On April 10, 2019, the juvenile court terminated N.R.'s wardship, and ordered the matter off-calendar. Therefore, we dismiss this appeal as moot.

**I. STATEMENT OF THE CASE<sup>1</sup>**

On September 14, 2015, a juvenile wardship petition pursuant to Welfare and Institutions Code section 602, subdivision (a), was filed in Santa Cruz County Superior Court alleging that N.R. committed an assault by means of force likely to produce great bodily injury (Pen. Code, § 245, subd. (A)(4)). N.R. admitted the allegation after it was

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<sup>1</sup> The underlying facts are omitted because they are not relevant to this appeal.

reduced to misdemeanor assault. (Pen. Code, § 245, subd. (A)(1).) N.R. was declared a ward of the juvenile court, and was placed on probation subject to terms and conditions.

On April 5, 2016, Petition A pursuant to Welfare and Institutions Code section 777 was filed alleging that N.R. had violated the terms of his probation because he associated with a fellow probationer and known gang members, and used marijuana resulting in a positive drug test. N.R. admitted the allegations in the petition, and the court continued the minor on probation.

On March 13, 2017, Petition B pursuant to Welfare and Institutions Code sections 602, subd. (a), and 777, was filed, alleging that N.R. had committed the crime of being a minor in possession of a handgun (Pen. Code, § 29610), and of being a minor in possession of live ammunition. (Pen. Code, § 29650.) The petition also alleged that N.R. had violated the terms of his probation when he failed to obey all laws, associated with known gang members, and possessed a firearm. The juvenile court removed N.R. from his parents' home, and ordered him placed in the Courage to Change Transitional Housing Program.

On May 31, 2018, Petition C pursuant to Welfare and Institutions Code section 777 was filed, alleging that N.R. had violated the terms of his probation by leaving his transitional housing without permission. N.R. admitted that he violated probation, and the court ordered him placed in the Jericho Project.

On July 20, 2018, the probation officer advised the juvenile court that N.R. had left the Jericho Project without permission. The court revoked probation and issued a bench warrant for N.R.'s arrest.

On July 30, 2018, N.R. filed a timely notice of appeal of the dispositional order placing him in the Jericho Project.

On April 10, 2019, the juvenile court terminated N.R.'s warship and ordered the matter off-calendar.

## **II. DISCUSSION**

In his opening brief, N.R. argues that two of the probation conditions imposed by the juvenile court prohibiting possession of gang paraphernalia should be stricken because the conditions are unconstitutionally vague and overbroad.

On April 18, 2019, counsel for N.R. notified this court that the juvenile court terminated N.R.'s wardship and ordered the matter off-calendar on April 10, 2019.

The Attorney General argues that this appeal is moot and should be dismissed, because the juvenile court terminated the wardship, and N.R. is no longer subject to the challenged probation conditions. We agree. Even if we were to consider N.R.'s claims on the merits and found the challenged probation conditions were unconstitutional, we could not grant him relief because he is no longer on probation.

We will not “give opinions upon moot questions or abstract propositions, or to declare principles or rules of law which cannot affect the matter in issue in the case before [us].” (*In re Sodersten* (2007) 146 Cal.App.4th 1163, 1217.) Moreover, this appeal does not present such “a novel question of continuing public interest” (*In re Stevens* (2004) 119 Cal.App.4th 1228, 1232), “capable of repetition, yet evading review” (*Ogunsalu v. Superior Court* (2017) 12 Cal.App.5th 107, 111), that we should review the issues he raises notwithstanding the mootness of his appeal.

## **III. DISPOSITION**

The appeal is dismissed as moot.

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Greenwood, P.J.

WE CONCUR:

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Premo, J.

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Elia, J.

People v. N.R.  
No. H046052